

Serial No.: 10/766,409

Art Unit: 2617

Page 8

REMARKS

This is a full and timely response to the outstanding Final Office Action mailed May 4, 2006. Upon entry of the amendments in this response claims 1-20 are pending. More specifically, claims 1, 11, and 13 are amended. These amendments are specifically described hereinafter.

I. Present Status of Patent Application

Claims 1-3, 5, 6, 8-14, and 17-20 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Giles, et al* (U.S. Patent No. 5,231,634) in view of *Katinakis, et al* (U.S. Patent No. 6,389,039). Claims 4, 7, 15, and 16 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Giles, et al* (U.S. Patent No. 5,231,634) in view of *Katinakis, et al* (U.S. Patent No. 6,389,039) in further view of *Li* (U.S. Patent No. 6,349,210). To the extent that these rejections have not been rendered moot by the cancellation of claims, they are respectfully traversed.

II. Rejections Under 35 U.S.C. §103(a)**A. Claims 1-12**

The Office Action rejects claims 1-12 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Giles, et al* (U.S. Patent No. 5,231,634) in view of *Katinakis, et al* (U.S. Patent No. 6,389,039) in further view of *Li* (U.S. Patent No. 6,349,210). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 1, as amended, recites:

1. An apparatus comprising:
a receiver for receiving a first message over a first shared-communications channel,
wherein said first message comprises:
 - (i) a notification that said first shared-communications channel has been

Serial No.: 10/766,409

Art Unit: 2617

Page 9

reserved, and

(ii) *one or more values that define*

(a) *a first reservation offset time interval upon the conclusion of which a transmission of a first signal is transmitted, and*

(b) a second reservation duration time interval during which a first-shared communication channel and a second-shared communication channel are reserved, and upon the conclusion of which the transmission of the first signal over the combination of said first shared-communications channel and said second shared-communications channel is ended, wherein said second time interval is after said first time interval; and

a transmitter for transmitting, within said first time interval, a second signal over said first shared-communications channel.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Applicant respectfully submits that independent claim 1, as amended, is allowable for at least the reason that the combination of *Giles*, *Katinakis*, and *Li* does not disclose, teach, or suggest at least **one or more values that define a first reservation offset time interval upon which the conclusion of which a transmission of a first signal is communicated**. Even if, arguendo, *Giles* teaches reservation durations, it fails to teach a reservation offset interval. Neither *Katinakis* nor *Li* cure this deficiency.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 1, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 1 is allowable.

Serial No.: 10/766,409

Art Unit: 2617

Page 10

Because independent claim 1 is allowable over the cited references of record, dependent claims 2-12 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-12 contain all the steps/features of independent claim 1. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection to claims 2-12 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claims 2-12 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence, there are other reasons why dependent claims 2-12 are allowable.

B. Claims 13-20

The Office Action rejects claims 13-20 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Giles, et al* (U.S. Patent No. 5,231,634) in view of *Katinakis, et al* (U.S. Patent No. 6,389,039) in further view of *Li* (U.S. Patent No. 6,349,210). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 13, as amended, recites:

13. A method comprising:

- (a) receiving a first message over a first shared-communications channel, wherein said first message comprises:
 - (i) a notification that said first shared-communications channel has been reserved,
 - (ii) *a first time interval upon the conclusion of which a first signal is transmitted*, and
 - (iii) a second time interval upon the conclusion of which the transmission of the first signal over the combination of said first shared-communications channel and said second shared-

Serial No.: 10/766,409

Art Unit: 2617

Page 11

- communications channel is ended, wherein said second time interval is after said first time interval; and
- (b) transmitting, within said first time interval, a second signal over said first shared-communications channel.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 13 as amended is allowable for at least the reason that the combination of *Giles*, *Katinakis*, and *Li* does not disclose, teach, or suggest at least a **first time interval upon the conclusion of which a transmission of a first signal is communicated**. Even if, *arguendo*, *Giles* teaches reservation durations, it fails to teach a reservation offset interval. Neither *Katinakis* nor *Li* cure this deficiency.

As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 13, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 13 is allowable.

Because independent claim 13 is allowable over the cited references of record, dependent claims 14-20 (which depend from independent claim 13) are allowable as a matter of law for at least the reason that dependent claims 14-20 contain all the steps/features of independent claim 13. Therefore, the rejection to claims 14-20 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 13, dependent claims 14-20 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence, there are other reasons why dependent claims 14-20 are allowable.

Serial No.: 10/766,409
 Art Unit: 2617
 Page 12

III. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

Serial No.: 10/766,409
Art Unit: 2617
Page 13

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-20 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


Scott A. Horstemeyer, Reg. No 34,183

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500